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Attorneys for Plaintiff Blendtec Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,
Plaintiff,

vs.

BLENDJET, INC., a Delaware corporation,
Defendant.

**SECOND STIPULATED MOTION TO
AMEND SCHEDULING ORDER**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

Pursuant to Fed. R. Civ. P. 16(b)(4) and for good cause, Plaintiff Blendtec Inc. (“Blendtec”) and defendant BlendJet, Inc. (“BlendJet”), through counsel, hereby stipulate and jointly move the Court to modify the Court’s February 25, 2022 Scheduling Order (ECF No. 25). Contemporaneously herewith, the parties are filing a copy of the proposed Second Amended Scheduling Order.

After entry of the Scheduling Order, the parties engaged in settlement discussions in an attempt to resolve this dispute. The parties agreed to pause discovery during the settlement discussion. Despite good faith efforts, the parties did not settle the dispute, and determined that any ongoing settlement discussion would occur simultaneously with the litigation. As a result, on June 29, 2022, the parties filed a stipulated motion to amend the scheduling order. *See* ECF No. 27. On June 30, 2022, the Court entered the First Amended Scheduling Order. *See* ECF No. 28.

Due to various issues that have arisen, including that a Stipulated ESI Protocol was not entered until September 8, 2022 (*see* ECF No. 30), the parties stipulate that additional time will be necessary in order to provide time for them to complete discovery and prepare this case for trial. As a result, the parties hereby jointly move the Court and stipulate to an order extending the following deadlines in the schedule as follows:

Date per First Amended Scheduling Order (ECF No. 28)	Stipulated New Date	Event
December 12, 2022	January 23, 2023	Last day to serve written discovery
January 27, 2023	March 15, 2023	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – parties bearing the burden of proof
February 10, 2023	March 31, 2023	Close of fact discovery
February 10, 2023	March 31, 2023	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – counter disclosures
March 10, 2023	April 28, 2023	Rule 26(a)(2) Expert Reports – parties bearing burden of proof
May 10, 2023	June 30, 2023	Rule 26(a)(2) Expert Reports – counter reports
June 9, 2023	July 31, 2023	Last day for expert discovery

Date per First Amended Scheduling Order (ECF No. 28)	Stipulated New Date	Event
July 21, 2023	September 15, 2023	Deadline for filing dispositive or potentially dispositive motions including <i>Daubert</i> motions to exclude expert testimony
July 28, 2023	September 22, 2023	Evaluate case for settlement/ADR

Any provisions of the Scheduling Order, entered as ECF No. 25, or the First Amended Scheduling Order, entered as ECF No. 28, not modified above shall remain the same. The parties have submitted herewith a proposed order granting the requested relief.

Respectfully submitted this 28th day of November, 2022.

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/s/ Tamara L. Kapaloski

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

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